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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,475	04/13/2001	Paul L. Mullen	GEMS8081.070	7317
27061	7590	04/21/2004	EXAMINER	
ZIOLKOWSKI PATENT SOLUTIONS GROUP, LLC (GEMS) 14135 NORTH CEDARBURG ROAD MEQUON, WI 53097			JAKETIC, BRYAN J	
			ART UNIT	PAPER NUMBER
			3627	

DATE MAILED: 04/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Offic Action Summary	Application No.	Applicant(s)
	09/681,475	MULLEN ET AL.
	Examin r Bryan Jaketic	Art Unit 3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 18 February 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-34 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1-10 and 13-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Conway in view of Cook et al. Conway discloses a system and method for remotely managing a medical institution comprising the steps of remotely collecting condition data representative of a device status, including device reminder data, billing information, and device location data (see col. 8, line 50 through col. 9, line 39); storing the condition data on a database (32) at a centralized facility; reviewing the condition data (see col. 8, line 50 through col. 9, line 39); and displaying it on a graphical user interface (34). Conway teaches that the GUI displays the time of the next scheduled maintenance (see col. 9, lines 24-33).

Conway et al do not teach the step of collecting device diagnostic data. Cook et al teach a sensor system that collects condition data, segregated into several categories, including diagnostic data (see col. 6, lines 33-53). Cook et al also teach the step of separately displaying and identifying the device diagnostic data (see col. 17, lines 22-43). It is therefore inherent that Cook et al teach the step of identifying devices in need of repair. It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the teachings of Cook et al with the invention of Conway to track diagnostic data of devices to ensure they are in proper working order.

Conway does not teach the step of updating the GUI upon user accessing or refreshing the GUI. However, it is common in the art to update a GUI when a user refreshes or accesses the GUI. It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the step of updating the GUI when a user refreshes or accesses the GUI to allow a user to retrieve current information.

Conway also fails to teach the step of displaying general remarks and news updates regarding the device. However, these differences are only found in the nonfunctional descriptive material and do not alter how information is displayed. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to display news updates because the type of information being displayed does not patentably distinguish the claimed invention.

Conway does not teach the use of the Internet. However, the Internet is common in the art, and it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the Internet to allow wider access to the information. Conway does not teach the use of host navigational tabs. However, navigational tabs are common in the art, and it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ navigational tabs to help the user locate information. Furthermore, the names of the tabs constitutes nonfunctional descriptive material and do not alter how information is transferred or displayed. Thus, this

descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide relevant titles for tabs because the titles of tabs do not patentably distinguish the claimed invention.

Conway does not teach the use of a LAN, a WAN, a telephone system, a cable communication system, and a wireless system. However, these systems are common in the art, and it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ a LAN, a WAN, a telephone system, a cable communication system, and a wireless system to allow wider access to the system.

Conway teaches the step of consolidating automatically generated data (such as location data - see col. 9, lines 5-9) and manually generated data (such as maintenance history data - see col. 9, lines 16-23). Conway does not teach that marketing data, customer-entered data, and messages are consolidated. However, these differences are only found in the nonfunctional descriptive material and do not alter how the information is consolidated. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to consolidate marketing

data, customer-entered data, and messages because the type of information being consolidated does not patentably distinguish the claimed invention.

3. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Conway and Cook et al as applied to claim 9 above, and further in view of Gidwani. Conway discloses all of the limitations as detailed in paragraphs 3 and 6 of this Office Action. Conway does not teach the step of tailoring the display for a particular user. Gidwani teaches the step of tailoring a display for a particular customer (see col. 48, lines 53-62). It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the teachings of Gidwani to tailor all aspects of the display of Conway to meet each customer's individual needs.

Response to Arguments

4. Applicant's arguments filed 18 February 2004 have been fully considered but they are not persuasive. Applicant argues that Conway only teaches that "cost figures" and other information are communicated, and therefore fails to disclose a GUI that displays reminder data. Examiner respectfully disagrees. Conway teaches a GUI (34) and expressly states that the system "not only provides cost tracking, but also provides useful maintenance and location tracking for equipment at the healthcare facility." Examiner maintains that Conway anticipates a GUI that displays reminder data by displaying data regarding scheduled maintenance.

Applicant also argues that Conway fails to teach the step of displaying diagnostic data and alerting users to devices in need of immediate repair. This argument is moot in view of the new grounds of rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryan Jaketic whose telephone number is (703) 308-0134. The examiner can normally be reached on Monday through Friday (9:00-5:30).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (703)308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

bj

A handwritten signature in black ink, appearing to read "Robert Olszewski".